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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

CITY OF SAINT PAUL, a municipal
corporation,

Plaintiff,

vs.

DONALD EVANS, Secretary of the
United States Department of
Commerce, and CONRAD C.
LAUTENBACHER, JR., Administrator,
National Oceanic and Atmospheric
Administration, and TANADGUSIX
CORPORATION, an Alaska
corporation,

Defendant.

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) No. 3:97-cv-0181 HRH
)
)
) **UNOPPOSED MOTION BY DEFENDANT**
) **AND COUNTERCLAIMANT TANADGUSIX**
) **CORPORATION (A) MODIFYING**
) **DEADLINES IN SCHEDULING ORDER**
) **FOR DAMAGES AND REMEDIES PHASE**
) **OF CASE AND (B) FOR EXTENSION**
) **OF TIME FOR THE CITY TO FILE**
) **ITS OPPOSITION TO TDX' FIRST**
) **MOTION TO COMPEL ANSWERS TO**
) **INTERROGATORIES AND PRODUCTION**
) **OF DOCUMENTS AND FOR SANCTIONS**

_____)

Defendant and counterclaimant Tanadgusix Corporation ("TDX"), by and through its attorneys of record, Turner & Mede, P.C. and Law Office of Douglas F. Strandberg, P.S., hereby moves for the entry of the attached modified scheduling order; and (b) an order granting the City an extension from February 28, 2006 until May 30, 2006 to file its Opposition to TDX' First Motion to Compel Answers to Interrogatories and Production of Documents and for Sanctions. Such motion has been discussed with the attorneys for plaintiff and counterdefendant City of Saint Paul ("City") and is unopposed by the City.

The modified scheduling order sought by this unopposed motion changes the deadlines by which (a) expert designations are to be served from February 28, 2006 to May 30, 2006, (b) expert reports are to be served from June 30, 2006 to September 29, 2006, (c) lay witness discovery completion from June 30, 2006 to September 29, 2006, (d) expert witness discovery completion from August 31, 2006 to November 30, 2006, (e) filing of discovery motions from September 30, 2006 to December 29, 2006, and (f) filing of summary judgment motions, *in limine* motions and motions for ruling on the law of the case from August 31, 2006 to November 30, 2006.

The reason for this unopposed motion is that the City and TDX are currently engaged in settlement negotiations. The negotiations involve complex land issues and require considerable coordination among the parties and their consultants. The parties believe such negotiations will be materially aided by such extensions.

Over the last three months the parties have made considerable progress in their negotiations. After TDX provided the City with a proposed outline for a settlement and the City responded, it became apparent to the parties that the best way to resolve complex upland, tideland, and access issues on Saint Paul Island, especially the Harbor area, was to agree on a subdivision of land in the Harbor area and to locate all existing utilities.

TDX retained consulting engineers who, after numerous meetings with TDX management and attorneys, prepared a comprehensive set of maps which detail current land status and proposed subdivision and ownership and road dedication, which were provided to the City by TDX in late summer, 2005. On November 22, 2006 TDX provided the City with a comprehensive settlement proposal based in part upon such maps; and on January 11, 2006 City Attorneys Ronald Baird and Charles Carpenter met with TDX Attorneys Terrance A. Turner and Douglas F. Strandberg (Strandberg by

telephone) and had a lengthy (approximately five hour) and very productive settlement discussion.

The City has agreed to respond to the TDX Settlement Proposal and Maps by providing a "black-lined" version of TDX' settlement proposal with its counterproposal by the end of February, 2006, at which time the parties' attorneys, possibly with clients, expect to meet in an attempt to resolve remaining differences. The parties also anticipate that by the end of March 2006 they should be in a position to determine if a settlement can be achieved without further involvement of the Court.

In order to pursue these settlement steps this unopposed motion requests an additional short three (3) month extension of the deadlines set forth in the Court's scheduling order of October 14, 2005, Clerk's Docket No. 293. Such unopposed motion does not affect any rights of the only other parties in this case, the Federal Defendants. As a result, it should be granted by the Court forthwith.

RESPECTFULLY SUBMITTED at Anchorage, Alaska, this 19th day of January, 2006.

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Certificate of Service

This is to certify that on this 19th day of
January, 2006, a copy of the foregoing was served
by regular U.S. Mail on:

Department of Justice
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